

DISTRICT ATTORNEY

OF THE

COUNTY OF NEW YORK

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CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

JUN 16 2011

June 16, 2011

The Honorable Michael J. Obus
Justice of the Supreme Court
County of New York, Part 51

Re: People v. DOMINIQUE STRAUSS-KAHN
Indictment No. 02526/2011

Your Honor:

We are the Assistant District Attorneys assigned to the prosecution of the above referenced case. Attached please find a redacted Voluntary Disclosure Form ("VDF") pertaining to this case. An unredacted copy of the VDF was served on defense counsel on June 14, 2011.

Sincerely,

Handwritten signature of John (Artie) McConnell.

John (Artie) McConnell
Assistant District Attorney
212-335-9926

Handwritten signature of Joan Huzzi-Orbon.

Joan Huzzi-Orbon
Assistant District Attorney
212-335-4156

cc: Benjamin Brafman, Esq.
Counsel for Defendant
Brafman & Associates, P.C.
767 Third Avenue
New York, NY 10017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DOMINIQUE STRAUSS-KAHN,

Defendant.

PEOPLE'S VOLUNTARY
DISCLOSURE FORM

Indictment No. 02526/2011

The People of the State of New York hereby voluntarily disclose to the defendant the following factual information pertaining to the above-captioned case:

A. **BILL OF PARTICULARS**

1. **OCCURRENCE**

Date: May 14, 2011
App. Time: approximately 12:00 PM
Place: inside of Room 2806 of 45 West 44th Street

2. **ARREST**

Date: May 15, 2011
App. Time: approximately 2:45 AM
Place: Manhattan Special Victims Squad

B. **NOTICES**

1. **STATEMENTS**

☒ If checked, notice is hereby served, pursuant to CPL §710.30(1)(a), that the People intend to offer at trial evidence of a statement made by defendant to a public servant. *(Where a statement has been video taped, counsel should contact the assigned Assistant District Attorney to arrange a mutually convenient time for viewing the tape or should provide a blank tape for copying.)*

Statement #: 1
Date: May 14, 2011
Approximate Time: 3:29 PM
Location: incoming phone call from defendant to employees

of the Sofitel Hotel
Individual Made To/
In the Presence of: Detective John Mongiello
Substance of Statement:

Employee: THIS IS LOST AND FOUND.
Defendant: HOW ARE YOU YOU? I AM DOMINIQUE STRAUSS-KAHN, I WAS A GUEST. I LEFT MY PHONE BEHIND.
Employee: WHAT ROOM?
Defendant: 2806.
Employee: I'LL NEED ABOUT TEN MINUTES TO GO UP AND SEARCH THE ROOM FOR THE PHONE. BUT I HAVE A PROBLEM -- IF YOUR PHONE IS HERE, HOW CAN I CALL YOU BACK?
Defendant: I WILL GIVE YOU ANOTHER NUMBER [REDACTED]

Statement #: 2
Date: May 14, 2011
Approximate Time: 3:42 PM
Location: outgoing phone call from the Sofitel Hotel to defendant

Individual Made To/
In the Presence of: Detective John Mongiello
Substance of Statement:

Employee: MR. STRAUSS-KAHN, THIS IS THE SOFITELE. I HAVE YOUR PHONE, I NEED TO KNOW WHERE YOU ARE SO I CAN RETURN IT.
Defendant: I AM AT JFK AIRPORT.
Employee: OK, I CAN BE THERE IN 40 MINUTES.
Defendant: I HAVE A PROBLEM BECAUSE MY FLIGHT LEAVES AT 4:26 PM.
Employee: NO PROBLEM, I WILL TAKE A CAB AND BE THERE IN 40 MINUTES.
Defendant: OK, I AM AT THE AIRFRANCE TERMINAL, GATE 4. FLIGHT 23.
Employee: OK I WILL SEE YOU SOON.

Statement #: 3
Date: May 14, 2011
Approximate Time: 4:03 PM
Location: incoming phone call from defendant to employees of the Sofitel Hotel

Individual Made To/
In the Presence of: Detective John Mongiello
Substance of Statement: I WANT TO SPEAK TO THE PERSON WHO IS BRINGING BACK MY PHONE. WHEN WILL THEY ARRIVE? I AM IN THE AIR FRANCE LOUNGE, PLEASE CALL ME BACK AT THIS

NUMBER [defendant provided a telephone number with a 718 area code].

Statement #: 4
Date: May 14, 2011
Approximate Time: 4:40 PM
Location: JFK Airport, Gate 4 jetway
Individual Made To/
In the Presence of: Detective Terry Ng; Detective Diwan Maharaj
Substance of Statement: DO YOU HAVE MY CELL PHONE?

Statement #: 5
Date: May 14, 2011
Approximate Time: 4:40 PM
Location: JFK Airport, Gate 4 jetway
Individual Made To/
In the Presence of: Detective Diwan Maharaj
Substance of Statement:

Det. Maharaj: MR. DOMINIQUE-STRAUSS KAHN?
Defendant: YES.
Det. Maharaj: MAY I SEE YOUR PASSPORT? WE WOULD LIKE YOU TO COME WITH US.
Defendant: WHAT FOR?
Det. Maharaj: NOW IS NOT THE TIME OR THE PLACE TO DISCUSS. DO YOU HAVE ANY BAGGAGE ON BOARD?
Defendant: YES.

Statement #: 6
Date: May 14, 2011
Approximate Time: 4:45 PM
Location: JFK Airport, Gate 4
Individual Made To/
In the Presence of: Sergeant Raymond DiLena; Detective Diwan Maharaj
Substance of Statement:

Sgt. DiLena: MR. DOMINIQUE-STRAUSS KAHN, I AM SGT. DILENA.
Defendant: WHAT IS THIS ABOUT?
Sgt. DiLena: THE NYPD NEEDS TO SPEAK WITH YOU ABOUT AN INCIDENT IN THE CITY AT A HOTEL
Defendant: (no response)

Statement #: 7
Date: May 14, 2011
Approximate Time: 5:00 PM

Location: JFK Airport, Port Authority Police Precinct
Individual Made To/
In the Presence of: Detective Terry Ng; Detective Diwan Maharaj
Substance of Statement:

Det. Maharaj: PLEASE EMPTY THE CONTENTS OF YOUR POCKETS. PLACE EVERYTHING ON THE TABLE

Det. Ng: WOULD YOU LIKE WATER?

Defendant: NO, BUT I WOULD LIKE TO USE THE BATHROOM

Det. Maharaj: PLEASE HAVE A SEAT

Defendant: IS THAT [handcuffing] NECESSARY?

Det. Maharaj: YES IT IS.

Defendant: I HAVE DIPLOMATIC IMMUNITY.

Det. Maharaj: WHERE IS YOUR PASSPORT?

Defendant: ITS NOT IN THIS PASSPORT, I HAVE A SECOND PASSPORT.

Defendant: CAN I SPEAK WITH SOMEONE FROM THE FRENCH CONSULATE? WHAT IS THIS ABOUT?

Det. Maharaj: I WORK FOR THE PORT AUTHORITY POLICE, I CAN'T ANSWER THESE QUESTIONS FOR YOU, NYPD WILL ANSWER THESE QUESTIONS. WOULD YOU LIKE SOME WATER?

Defendant: YES.

Statement #: 8
Date: May 14, 2011
Approximate Time: 5:10 PM
Location: JFK Airport, Port Authority Police Precinct
Individual Made To/
In the Presence of: Detective Joseph Bunster; Detective John Mongiello
Substance of Statement: CAN YOU HANDCUFF ME IN THE FRONT?

Statement #: 9
Date: May 14, 2011
Approximate Time: 5:15 PM
Location: en route to Mahattan Special Victims Squad from JFK Airport
Individual Made To/
In the Presence of: Detective Joseph Bunster; Detective John Mongiello
Substance of Statement:

Defendant: WHAT IS THIS ABOUT?

Det. Mongiello: MANHATTAN DETECTIVES NEED TO SPEAK WITH YOU ABOUT AN INCIDENT IN A HOTEL ROOM.

Defendant: THEN I NEED TO MAKE A CALL AND LET THEM KNOW I WON'T BE AT MY MEETING TOMORROW. THESE HANDCUFFS ARE TIGHT.

Statement #: 10
Date: May 14, 2011
Approximate Time: 5:40 PM
Location: Manhattan Special Victims Squad
Individual Made To/
In the Presence of: Detective Joseph Bunster; Detective John Mongiello
Substance of Statement: I NEED TO MAKE A CALL AND LET THEM KNOW I WON'T MAKE MY MEETING TOMORROW

Statement #: 11
Date: May 14, 2011
Approximate Time: 8:45 PM
Location: Manhattan Special Victims Squad
Individual Made To/
In the Presence of: Detective Miguel Rivera
Substance of Statement: I WOULD LIKE TO USE THE BATHROOM. I DON'T WANT ANY FOOD, BUT I'LL HAVE SOME COFFEE.

Statement #: 12
Date: May 14, 2011
Approximate Time: 9:00 PM
Location: Manhattan Special Victims Squad
Individual Made To/
In the Presence of: Detective Miguel Rivera
Substance of Statement:

Defendant: I WOULD LIKE TO CALL MY LAWYER, BILL TAYLOR. I NEED MY CELL PHONE.

Det. Rivera: WE'RE GOING TO HAVE TO WAIT FOR THE DETECTIVES TO COME BACK, I DON'T HAVE ACCESS TO YOUR PHONE.

Defendant: DO I NEED A LAWYER?

Det. Rivera: IT IS YOUR RIGHT TO HAVE ONE IN THIS COUNTRY IF YOU WANT, I DON'T KNOW IF YOU HAVE SOME KIND OF DIPLOMATIC STATUS.

Defendant: NO, NO, NO, I'M NOT TRYING TO USE THAT, I JUST WANT TO KNOW IF I NEED A LAWYER.

Det Rivera: THAT IS UP TO YOU.

Statement #: 13
Date: May 14, 2011
Approximate Time: 10:55 PM
Location: Manhattan Special Victims Squad
Individual Made To/

In the Presence of:	Detective Steven Lane
Substance of Statement:	defendant was asked if he wished to speak with detectives about the incident and replied in substance MY ATTORNEY HAS TOLD ME NOT TO TALK. I WAS READY TO TALK.
Statement #:	14
Date:	May 14, 2011
Approximate Time:	11:20 PM
Location:	Manhattan Special Victims Squad
Individual Made To/	
In the Presence of:	Detective Steven Lane
Substance of Statement:	defendant was asked if he would like anything to eat and stated in substance I'M NOT HUNGRY. [REDACTED]
Statement #:	15
Date:	May 15, 2011
Approximate Time:	9:00 AM
Location:	Manhattan Special Victims Squad
Individual Made To/	
In the Presence of:	Detective Steven Lane
Substance of Statement:	defendant was asked if he wanted breakfast and replied in substance I WOULD LIKE SOME EGGS.
Statement #:	16
Date:	May 15, 2011
Approximate Time:	9:20 PM
Location:	Manhattan Special Victims Squad
Individual Made To/	
In the Presence of:	Detective Steven Lane
Substance of Statement:	defendant was asked if he was hungry and wanted something to eat and replied in substance I WOULD LIKE A SANDWICH.
Statement #:	17
Date:	May 15, 2011
Approximate Time:	9:50 PM
Location:	Manhattan Special Victims Squad
Individual Made To/	
In the Presence of:	Detective Steven Lane
Substance of Statement:	[REDACTED]

2. IDENTIFICATION

☒ If checked, notice is hereby served, pursuant to CPL §710.30(1)(b), that the People intend to offer at trial testimony regarding an observation of defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the indictment, to be given by a witness who has previously identified defendant.

Identification #: 1

Type of ID: photographic identification

Date: May 14, 2011

Approximate Time: 14:30

Location: 45 West 44th Street

Number of Identifying Witnesses: 1

Although section 710.30 notice has been given above, the People submit that the 'identification' was not police arranged, in that a photograph of the defendant was shown to the witness by hotel security without police involvement, and therefore a Wade hearing should be unnecessary.

Identification #: 2

Type of ID: observation of defendant's photograph and video image on television

Date: May 14, 2011

Approximate Time: 23:00

Location: Manhattan Special Victims Squad

Number of Identifying Witnesses: 1

Although section 710.30 notice has been given above, the People submit that the 'identification' was not police arranged, in that it was an inadvertent viewing of the defendant by a witness during a television news broadcast, and therefore a Wade hearing should be unnecessary.

Identification #: 3

Type of ID: line-up

Date: May 15, 2011

Approximate Time: 16:00

Location: Manhattan Special Victims Squad

Number of Identifying Witnesses: 1

C. DISCOVERY

1. ADDITIONAL STATEMENTS

☐ If checked, the People hereby disclose written, oral or recorded statements of a defendant or of a co-defendant to be jointly tried, made, other than in the course of the criminal transaction, to a public servant engaged in law enforcement activity or to a

person then acting under his direction or in cooperation with him, and which statements are not given in section B(1) above. C.P.L. §240.20(1)(a).

2. GRAND JURY TESTIMONY

☐ If checked, defendant or a co-defendant to be tried jointly testified before the Grand Jury relating to this criminal action. C.P.L. §240.20(1)(b). *Such testimony is available upon payment of a stenographic fee.*

3. SCIENTIFIC AND MEDICAL REPORTS

☒ If checked, the People hereby disclose written reports or documents or portions thereof, concerning a physical or mental examination or scientific test or experiment, relating to this criminal action, which were made by, or at the request or direction of a public servant engaged in law enforcement, or by a person whom the People intend to call as a witness of a trial, or which the People intend to introduce at trial. C.P.L. §240.20(1)(c).

	Already Served	Attached	Will Be Provided
Medical Records of Complaining Witness	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DNA/Serology Report from the Medical Examiner's Office	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Suspect Evidence Collection Report	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual Assault Forensic Examination Report	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. PHOTOGRAPHS AND DRAWINGS

☒ If checked, there exists photographs or drawings relating to this criminal action which were made or completed by a public servant engaged in law enforcement, or which were made by a person whom the People intend to call as a witness at trial, or which the People intend to introduce at trial. C.P.L. §240.20(1)(d). *(Counsel should contact the assigned Assistant District Attorney to arrange a mutually convenient time to examine this material.)*

5. INSPECTION OF PROPERTY

☒ If checked, there exist photographs, photocopies or other reproductions made by or at the direction of a police officer, peace officer or prosecutor of property prior to its release pursuant to the provisions of Penal Law Section 450.10, irrespective of whether the People intend to introduce at trial the property or the photograph, photocopy or

other reproduction. C.P.L. §240.20(1)(e). *(Counsel should contact the assigned Assistant District Attorney to arrange a mutually convenient time to examine this property.)*

6. OTHER PROPERTY

☒ If checked, there exists other property obtained from the defendant, or a co-defendant to be tried jointly, C.P.L. §240.20(1)(f), or from another source. *(Counsel should contact the assigned Assistant District Attorney to arrange a mutually convenient time to examine this property.)*

[REDACTED]

7. TAPES AND ELECTRONIC RECORDINGS

☒ If checked, there may exist tapes or other electronic recordings which the People intend to introduce at trial, irrespective of whether such recording was made during the course of the criminal transaction. C.P.L. §240.20(1)(g). *(Counsel should contact the assigned Assistant District Attorney to arrange a mutually convenient time to listen to the tapes or provide a blank tape for copying.)*

8. BRADY MATERIAL

☐ If checked, there is material appended which the People are required to turn over pursuant to the United States or the New York State Constitution. The People are aware of their continuing obligation to disclose material exculpatory information to defendant and intend to satisfy that obligation as required by law. C.P.L. §240.20(1)(h).

9. COMPUTER OFFENSES

☐ If checked, discovery is hereby served pursuant to C.P.L. §240.20(1)(j) of the time, place and manner of notice given pursuant to Penal Law §156.00(6), which governs offenses for Unauthorized Use of a Computer (Penal Law §156.05) and Computer Trespass (Penal Law §156.10).

10. POLICE OFFICERS INVOLVED

The following are some of the officers who were involved in the arrest or police investigation.

<u>Name</u>	<u>Shield</u>	<u>Command</u>
Detective Steven Lane	#3295	Manhattan Special Victims

11. SEARCH WARRANTS

☒ If checked, a search warrant was executed during the investigation of this case.

D. DEMAND FOR NOTICE OF ALIBI

Pursuant to CPL §250.20, the People hereby demand that defendant supply the District Attorney with (a) the place or places where the defendant claims to have been at the time of the commission of the crime(s) and (b) the names, residential addresses, places of employment and addresses thereof of every alibi witness upon whom defendant intends to rely to establish his presence elsewhere than at the scene of the crime at the time of its commission, and of every witness in support of such defense. Within a reasonable time after the receipt of the information specified above, the District Attorney will submit a list of any rebuttal witnesses, their addresses, and employers.

E. RECIPROCAL DISCOVERY

Pursuant to CPL §240.30(1), the People hereby demand that defendant supply the District Attorney with (a) any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test, experiment, or comparisons, made by or at the request or direction of the defendant, if the defendant intends to introduce such report or document at trial, or if defendant has filed a notice of intent to proffer psychiatric evidence and such report or document which relates thereto or if such report or document was made by a person other than defendant, whom defendant intends to call as a witness at trial; and (b) any photograph, drawing, tape, or other electronic recording which the defendant intends to introduce at trial.

NOTE: Any defense motion or request addressed to the above-captioned case should be directed to the attention of the Assistant District Attorney named below, who is assigned to this case.

Dated: New York, New York
June 14, 2011

Cyrus R. Vance, Jr.
District Attorney
One Hogan Place
New York, NY 10013

By: John (Artie) McConnell
Assistant District Attorney
212-335-9926

